GOVERNMENT OF INDIA
WATER RESOURCES, RIVER DEVELOPMENT AND GANAGA REJUVENATION
LOK SABHA

UNSTARRED QUESTION NO:3592
ANSWERED ON:23.03.2017
Amendments to Inter-State River Water Dispute Act
Dev Km. Sushmita;Scindia Shri Jyotiraditya Madhavrao

Will the Minister of WATER RESOURCES, RIVER DEVELOPMENT AND GANAGA REJUVENATION be pleased to state:

(a) whether the Government proposes to amend the Inter-State River Water Dispute Act and also put water conservation/preservation/management in the Concurrent List as a separate entry in view of various river water disputes;

(b) if so, the details thereof;

(c) the details of various water disputes pending before various courts/ tribunals; and

(d) the concrete steps proposed to be taken for out of court resolution/settlement of such water disputes?

Answer

THE MINISTER OF STATE FOR WATER RESOURCES, RIVER DEVELOPMENT AND GANGA REJUVENATION
(DR. SANJEEV KUMAR BALYAN)
(a) to (d) A Bill has been introduced in Lok Sabha on 14.03.2017 to amend the existing Inter-State River Water Disputes (ISRWD) Act, 1956 wherein it is proposed to set up a single, permanent tribunal to adjudicate all inter-State river water disputes replacing existing tribunals.

In the proposed amendments, there is a provision for establishment of a Dispute Resolution Committee (DRC) by the Central Government, consisting of members from such relevant fields, as deems fit, for resolving amicably the inter-State water disputes. Any dispute, which cannot be settled by negotiations shall be referred by Central Government by notification, to the Tribunal for its adjudication within a period of three months from the date of receipt of Report of DRC. The dispute so referred to the Tribunal shall be assigned by the Chairperson of the Tribunal to a Bench of the Tribunal for adjudication.

The Tribunal shall have one Chairperson, one Vice Chairperson and not more than six members. The upper Age limit of members including Chairperson and Vice Chairperson has been proposed as 70 years.

Further, the Bench of the Tribunal shall forward to the Central Government its detailed report, under section 5(2) of the Act within a period of two years extendable by not exceeding one year in case of unavoidable circumstances. The Bench of the Tribunal shall forward its "Further Report", under section 5(3) of the Act, to the Central Government in one year extendable by a period of not exceeding six months. In the proposed amendment, all existing Tribunals shall stand dissolved and the water disputes pending adjudication before such existing tribunals shall stand transferred to the New Tribunal.

The proposal to bring water in the Union/Concurrent List has earlier been examined by the two Commissions on Center-State Relations chaired by Justice R.S. Sarkaria and Justice M.M. Punchhi respectively. The said proposal did not find favour with either of the two Commissions. River water disputes between States are resolved through inter-State agreements or as per the decision of Inter State River Water Disputes Tribunal set up under the provisions of Inter State River Water Disputes Act, 1956 (amended in 2002) under Article 262 of the Constitution of India. The details of various river water disputes pending before various tribunals are given at Annexure. Before the dispute is referred to a Tribunal, attempts are generally made for negotiated settlement between disputing States. Once the dispute is under adjudication, out of court settlement becomes unfeasible.

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ANNEXURE

ANNEXURE REFERRED TO IN REPLY TO PART (a) to (d) OF UNSTARRED QUESTION NO. 3592 TO BE ANSWERED ON 23.03.2017 IN LOK SABHA REGARDING AMENDMENTS TO INTER-STATE RIVER WATER DISPUTE ACT

Status of Inter-State water disputes over the sharing of river water under Tribunals

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No Name of Tribunal States concerned Date of constitution Present Status
1 Ravi & Beas Water Tribunal Punjab, Haryana and Rajasthan April, 1986 Report and decision under section 5(2) given in April, 1987. Clarification/explanation sought from the Tribunal under Section 5(3) of the said Act by the party States. Presidential Reference 1 of 2004 was made on the Punjab Termination of Agreements Act, 2004. The Hon'ble Supreme Court has pronounced the judgement on Presidential Reference in negative. Further, Government of Haryana has filed IA No. 6 of 2016 in OS No. 6 of 1996 in the matter. The matter is sub-judice.
2 Cauvery Water Disputes Tribunal Kerala, Karnataka, Tamil Nadu and Puduchery June, 1990 Report and decision given on 5.2.2007 which was published vide Notification dated 19.2.2013. Further, report of CWDT u/s 5(3) of the Act is awaited. The party States have

also filed Civil Appeals against the order of CWDT dated 5.2.2007 before the Supreme Court. Supreme Court has passed a judgement dated 09.12.2016 on the admissibility of Civil Appeals filed by the party States and upheld the maintainability of the Civil Appeals. As such the matter is sub-judice.

3 Krishna Water Disputes Tribunal -II Karnataka, Telengana, Andhra Pradesh and Maharashtra April, 2004 Report and decision given on 30.12.2010. Further report given by the Tribunal on 29.11.2013. However, as per Supreme Court Order dated 16.9.2011, till further order, decision taken by the Tribunal on references filed by States and Central Government shall not be published in the official Gazette. As such, matter is sub-judice. Term of the Tribunal has been extended for a further period of two year w.e.f. 1st August, 2014, and thereafter for a further period of one year w.e.f. 01.08.2016, to address the terms of reference as contained in section 89 of Andhra Pradesh Reorganisation Act, 2014. The matter is under adjudication in the Tribunal. The Government of Telangana has filed a SLP 33623-26 of 2014 and WP(C) 545 of 2015 in the Hon'ble Supreme Court in the matter. The matter is thus sub-judice.

4 Vansadhara Water Disputes Tribunal Andhra Pradesh &Odisha February, 2010

However, as per the Supreme Court order the date of reckoning of the constitution of the Tribunal is w.e.f. 17.9.2012 Report and decision not given by the Tribunal. Vansadhara Water Disputes Tribunal in its Interim Order dated 17.12.2013 has directed to constitute a 3-member Protem Supervisory Flow Management and Regulation Committee on River Vansadhara to implement its Order. State Govt. of Odisha has filed Special Leave to Appeal (Civil) No.3392 of 2014 with regard to the Vansadhara Water Disputes Tribunal Judgement dated 17.12.2013. The matter is sub-judice.

5 Mahadayi Water Disputes Tribunal Goa, Karnataka and Maharashtra November, 2010

However, vide notification dated 13.11.2014

date of reckoning of the constitution of the Tribunal is w.e.f. 21.08.2013 Report and Decision not given by the Tribunal u/s 5(2) of ISRWD Act, 1956.

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